THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No. 26443 of 1995

Dated: 29.09.2006

Between:

G. Sreedhar.

… Petitioner

AND

The Secretary to Government,
Finance & Planning Department,
Government of A.P., Hyderabad & others.

… Respondents

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ORDER:-

The petitioner, who was working as Superintendent at the relevant time under the control of the Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Godavarikhani, filed this writ petition seeking writ of Mandamus to declare the order of the 2nd respondent in proceedings No.50/Labour/IV/95-2, dated 10.03.1995 as illegal and arbitrary and further direction to the 2nd respondent to grant advance increments from the date of passing law degree examination in terms of G.O.Ms.No.182, dated 17.07.1987.

During the hearing of arguments, the learned Government Pleader raised an objection regarding the maintainability of the writ petition in this Court before the petitioner availing the remedy of approaching the A.P. Administrative Tribunal (for short "the Tribunal").

I find that this objection is sustainable for the reason that the petitioner is a Government servant falling under the category of an employee under the service of State. Following the judgment of the Apex Court in ***L.Chandra Kumar v. Union of India and others***[1], the petitioner ought to have approached the Tribunal first before seeking a judicial review in this Court.

In view of this, liberty is given to the petitioner to approach the

Tribunal.

It is represented by the learned counsel for the petitioner that under the interim directions granted by this Court, the petitioner was paid advance increments for certain period and that if the writ petition is dismissed the same will be recovered.

Learned Government Pleader, however, stated that according to his instructions, no amounts were paid.

Having regard to the facts and circumstances of the case, I deem it proper to direct the respondents 1 and 2 not to recover the advance increments, if any, paid during the pendency of the writ petition for a period of eight weeks to enable the petitioner to approach the Tribunal for seeking appropriate relief.

With the above direction, the writ petition is dismissed. No costs.

C.V. NAGARJUNA REDDY, J

Date: 29.09.2006
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[1] AIR 1997 SC 1125